

David
Powers/R10/USEPA/US
09/11/2012 05:10 PM

To: Shaunesy Walden
cc: powers.david
bcc:
Subject: Fw: Highway 36 tour, Tuesday October 19, 2010 - release

release

David Powers
Regional Manager for Forests and Rangelands
USEPA Region 10, OOO
805 SW Broadway, Suite 500
Portland, OR 97205
503-326-5874
powers.david@epa.gov

----- Forwarded by David Powers/R10/USEPA/US on 09/11/2012 05:09 PM -----

From: Scott Downey/R10/USEPA/US
To: Lauris Davies/R10/USEPA/US, Anthony Barber/R10/USEPA/US@EPA, Judy Smith/R10/USEPA/US@EPA, Alan Henning/R10/USEPA/US@EPA, David Powers/R10/USEPA/US@EPA
Date: 10/15/2010 05:41 PM
Subject: Fw: Highway 36 tour, Tuesday October 19, 2010

FYI - members of the Oregon Board of Forestry, along with ODA and ODF are doing their own Pitchfork Rebellion tour next week

~~~~~  
Scott Downey, Manager  
Pesticides and Toxics Unit  
US EPA Region 10  
1200 6th Ave, Suite 900, OCE-084  
Seattle, WA 98101-3140  
(206) 553-0682

----- Forwarded by Scott Downey/R10/USEPA/US on 10/15/2010 05:37 PM -----

From: Chris Kirby <ckirby@oda.state.or.us>  
To: Scott Downey/R10/USEPA/US@EPA  
Cc: Linda Liu/R10/USEPA/US@EPA, Chad Schulze/R10/USEPA/US@EPA  
Date: 10/15/2010 08:12 AM  
Subject: Fwd: Highway 36 tour, Tuesday October 19, 2010

---

Scott,

This message is provided for your information.

Chris

Begin forwarded message:

**From:** Dale Mitchel <[dmitchel@oda.state.or.us](mailto:dmitchel@oda.state.or.us)>

**Date:** October 14, 2010 5:47:51 PM PDT

**To:** Michael Odenthal <[modenthal@oda.state.or.us](mailto:modenthal@oda.state.or.us)>, Jaspal M Khokhar <

[jkhokhar@oda.state.or.us](mailto:jkhokhar@oda.state.or.us)>

**Cc:** Christopher K Kirby <[ckirby@oda.state.or.us](mailto:ckirby@oda.state.or.us)>, Lisa R Hanson <[lhanson@oda.state.or.us](mailto:lhanson@oda.state.or.us)>, Lauren L Henderson <[lhenders@oda.state.or.us](mailto:lhenders@oda.state.or.us)>, Katy Coba <[kcoba@oda.state.or.us](mailto:kcoba@oda.state.or.us)>

**Subject: Fwd: Highway 36 tour, Tuesday October 19, 2010**

FYI - Agenda for the Hwy 36 ODF tour next week. I will be in attendance as ODA's representative. Note ODF minutes at bottom of e-mail

Begin forwarded message:

**From:** "POSTREL Dan" <[dan.postrel@state.or.us](mailto:dan.postrel@state.or.us)>

**Date:** October 14, 2010 5:22:11 PM PDT

**To:** "LIVELY Andrea" <[andrea.lively@state.or.us](mailto:andrea.lively@state.or.us)>, "KNOTT'S Bradley A" <[bradley.a.knotts@state.or.us](mailto:bradley.a.knotts@state.or.us)>, "MITCHELL Dale L" <[dale.l.mitchell@state.or.us](mailto:dale.l.mitchell@state.or.us)>, "SHULTS Dan L" <[dan.l.shults@state.or.us](mailto:dan.l.shults@state.or.us)>, "LORENZ Dave C" <[dave.c.lorenz@state.or.us](mailto:dave.c.lorenz@state.or.us)>, (b) (6) <(b) (6)>, "BROWN Marvin D" <[marvin.brown@state.or.us](mailto:marvin.brown@state.or.us)>, "PEREZ Sabrina" <[sabrina.perez@state.or.us](mailto:sabrina.perez@state.or.us)>, "Gary Springer" <[springer@starkerforests.com](mailto:springer@starkerforests.com)>, "Steve Wilson" (b) (6) <(b) (6)>

**Cc:** "WEEKS Kevin" <[kevin.weeks@state.or.us](mailto:kevin.weeks@state.or.us)>

**Subject: Highway 36 tour**

Hi all -

Here's the plan for our visit to the Triangle Lake area next Tuesday, October 19:

Attending - John Blackwell, Gary Springer, Steve Wilson, Marvin Brown, Dan Shults, Dave Lorenz, Dan Postrel, Brad Knotts, Dale Mitchell (Oregon Department of Agriculture)

You'll note that the morning portion includes a meeting with Stuart Turner, an agronomist, who will be speaking on spray drift. He's the featured speaker on a DVD that the Pitchfork folks submitted during the July 30 Board meeting in Eugene. I believe Sabrina has circulated copies of that disc to Board members.

Below the schedule, I've also pasted in an email that Dave Lorenz wrote following that meeting, addressing some of the issues raised during public comment. I think Board members have received copies of this as well, in which case it is here as a refresher.

You might want to bring along rain gear and sturdy footwear. We won't be going off-road, but Dave advises that some of the roads are surfaced with large gravel and are a bit rough. Right now, weather.com is predicting partly sunny weather with a 20 percent chance of rain that day. We shall see.

Finally, Gary and Dan, please let me know where you'd like to meet up. The Safeway parking lot in Junction City might be the logical spot. I assume the rest will all be leaving from Salem.

The schedule . . .

**7 a.m.** – Leave department headquarters in Salem

**8:20 a.m.** – Meet Dave Lorenz in the Safeway parking lot in Junction City.

**9 a.m.** – Meet Pitchfork Rebellion folks at the grange hall in Triangle Lake for viewing of a short video addressing some of the group's concerns. Then, the tour will proceed to harvest units along Lake and Fish creeks, where pesticide use and water quality will be discussed, and also to two homes, one being Day Owen's, for viewing and discussion of concerns related to the proximity of homes, farms and timber harvest operations.

The tour will conclude back at the grange hall, where Stuart Turner, a forest agronomist, will speak about spray drift.

**Noon** – Lunch / debrief / discussion for Board members and staff at the community church in Triangle Lake.

**1:30 p.m.** – Meet representatives from Seneca, Weyerhaeuser and Roseburg Forest Products to answer any questions the Board may have, and to visit operation sites where concerns have been raised.

**4:30 p.m.** – Conclude afternoon activities with landowner representatives. Leave Triangle Lake for Salem.

**6:00 p.m.** (approx) – Arrive in Salem

Don't hesitate to contact Dave or me if you have questions.

Best,  
Dan

- - - - -

Dave's email following the Eugene Board meeting:

**From:** LORENZ Dave C  
**Sent:** Monday, August 02, 2010 11:26 AM  
**To:** BROWN Marvin D  
**Cc:** SHULTS Dan L  
**Subject:** Friday's BOF Meeting

Marvin:

Comments were made during the public comment portions of last week's Board of Forestry meeting to which I feel compelled to respond. There are two items I would like to address. Feel free to share as you see fit.

#### **Turbidity Levels of Fish Creek and Lake Creek**

Last spring, when I first saw the video, I was concerned a violation of the Oregon Forest Practices Act (FPA) may have occurred. Our foresters responded to the site on numerous occasions during and shortly after heavy rainfall events. They were unable to find a point source of turbidity from the active logging that was occurring in the basin. The operation was found to be in compliance with the FPA.

Along the haul route two areas of concern were noted. One of the areas involved a recently damaged culvert inlet and cut bank ravel. The other area involved machinery that had travelled a short distance on the outside shoulder of Fish Creek Road. Any potential impacts from these two sites were considered minimal and no citations were issued. We did communicate our concerns to the operator who chose to make improvements to these areas.

Our foresters hiked the length of Fish Creek in an attempt to discern if there was a side channel that was adding turbidity. They also looked for in-unit slides that may have been contributing. Only one in-unit slide was found which was located in a stand of approximately 30 year old trees. It is unlikely this one slide was the source of all the turbidity in Fish Creek. We contemplated renting an airplane and flying over the area to determine if there were other in-unit slides, but the cost was prohibitive as was the weather at the time. We also evaluated other streams not in the Fish Creek drainage for relative turbidity level. Streams of a size similar to Fish Creek were a similar color to Fish Creek.

For a time I was confounded – why were we seeing this difference in turbidity levels in Fish Creek vs. Lake Creek? I believe the answer is Triangle Lake. Lake Creek flows into Triangle Lake and is the stream that drains Triangle Lake. Triangle Lake is located about 1 mile upstream of the confluence with Fish Creek and Lake Creek. Between this confluence and Triangle Lake a significant portion of the bed of Lake Creek is bedrock – in fact this is what forms the locally popular “Lake Creek Rock Slides”. On several occasions our foresters observed the following:

- Above Triangle Lake, Lake Creek had a similar turbidity to other streams in the area including Fish Creek.
- The water flowing out of Triangle Lake into Lake Creek was very noticeably less turbid than the water flowing into Triangle Lake.

In my opinion Triangle Lake is acting as a large settling pond and is the reason we see the difference in turbidity between Lake Creek and Fish Creek. I have talked with personnel from the local DEQ office, and they agree with my opinion.

Another point made during the public comments last Friday related to measured turbidity levels this winter/spring on Fish Creek. I don't remember the numbers stated, but I believe they were 14 or greater. These were compared with some historic data

that said the turbidity levels were 1. It is important to note the measurement of 14+ was taken in the late winter early spring, following a heavy rain, when the soils were already saturated. The historic measurements of 1 were taken in the late summer, early fall when the soils were very dry and able to absorb most, if not all, of the precipitation that occurred at the time. I also talked with the local DEQ managers about this issue. They felt it was not an appropriate evaluation to compare turbidity levels taken in August, September or October to those taken in March, April or May.

**Ineptitude of the Department of Forestry Staff in Veneta**

Remarks were made at the Board of Forestry meeting last week that implied the staff at the Veneta office does not do their job and does not enforce the Oregon Forest Practices Act. I can assure you my staff works hard assessing and assuring compliance with the Oregon Forest Practices Act. We take every complaint very seriously and investigate them appropriately. In fact, at times, we try to determine which operations might generate complaints. As staffing and time allows, we increase our inspections on these operations, particularly during the time in which operations are occurring, to monitor compliance with the Oregon Forest Practices Act. We also, at times, coordinate our inspections with other agencies such as the Department of Agriculture and the Department of Environmental Quality. This added effort has helped address the concerns from the public. However, with continued reductions in the Private Forests Program, our ability to do such proactive work is diminishing.

I have been told by a few members of the public that, if I wanted to, I could personally ban certain forestry activities which are allowed by the FPA. Since I haven't done that, they feel I just won't help them – I just don't care. The entire staff at Western Lane does care. However, as you know, banning legal activities is not within the scope of the authority entrusted upon us.

I have the greatest respect for my staff. They are an amazing group of individuals who combine to make an exceptional team. They strive for excellence and achieve it most of the time – increasingly in the face of heated emotions related to forestry issues. As staffing allows, we will continue to be proactive, assure compliance with the Oregon Forest Practices Act, and educate the public particularly when our roles and responsibilities are misunderstood.

If you have any questions please call me at any time.

Thanks,  
Dave

- - - - -  
Dan Postrel  
Agency Affairs Director  
Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310

(503) 945-7420

(b) (6) (cell)

(503) 945-7212 (fax)

[dan.postrel@state.or.us](mailto:dan.postrel@state.or.us)

[www.oregon.gov/odf](http://www.oregon.gov/odf)